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5 UNITED STATES BANKRUPTCY COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 In re) Case No. 05-27467-C-7
9 MICHELLE E. HUBBARD,) DC No. PGM-01
10 Debtor.)
11 _____)

12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**
13 **ON MOTION TO AVOID LIEN**

14 These findings of fact and conclusions of law are
15 rendered in this contested matter pursuant to Federal Rule
16 of Civil Procedure 52 as incorporated by Federal Rules of
17 Bankruptcy Procedure 7052 and 9014.

18 Jurisdiction

19 Jurisdiction is founded upon 28 U.S.C. § 1334. This is
20 a core proceeding. 28 U.S.C. § 157(b)(2)(K).

21 Findings of Fact

22 On August 16, 2005, debtor filed a motion, notice, and
23 certificate of service to redeem a 2004 Suzuki Quad for
24 \$1,000 pursuant to 11 U.S.C. § 722. A hearing was scheduled
25 for September 13, 2005 to consider the motion. Upon review
26 of the record, the court determined that the written record
27 was adequate and that no oral argument was necessary.

28 In reviewing debtor's proof of service, the court notes
that debtor served American General Finance as follows: 5311

1 Elkhorn Blvd., Sacramento, CA 95842.

3 Conclusions of Law

4 Federal Rule of Bankruptcy Procedure 9014(b) requires
5 that a motion initiating a contested matter "shall be served
6 in the manner provided for service of a summons and
7 complaint by Rule 7004." Fed. R. Bankr. P. 9014(b).

8 Federal Rule of Bankruptcy Procedure 7004(b)(3)
9 provides in pertinent part:

10 Except as provided in subdivision(h), in
11 addition-to the methods of service
12 authorized by Rule 4(e)-(j) F.R.Civ.P.,
13 service may be made within the United
14 States by first class postage prepaid as
15 follows... Upon a domestic or foreign
16 corporation or upon a partnership or
17 other unincorporated association, by
18 mailing a copy of the summons and
19 complaint to the attention of an
20 officer, a managing or general agent, or
21 to any other agent authorized by
22 appointment or by law to receive service
23 of process and, if the agent is one
24 authorized by statute to receive service
25 and the statute so requires, by also
26 mailing a copy of the defendant.

19 Fed. R. Bank. P. 7004(b)(3).

20 Here, debtor's service of motion does not comply with
21 the requirement to serve the motion to the attention of an
22 officer or other agent authorized as provided in Rule
23 7004(b)(3). Beneficial California, Inc. v. Villar (In re
24 Villar), 317 B.R. 88, 93 (9th Cir. BAP 2004). The court
25 notes that a corporation's agent for service of process may
26 be identified by visiting the California Secretary of
27 State's website at www.ss.ca.gov. The website contains a
28 link to the "California Business Portal" which provides an

1 online service titled "California Business Search."
2 Therein, corporate information, including the agent for
3 service of process, may be obtained by entering the
4 corporation's name in the search engine.

5 Accordingly, the motion is denied.

6 An appropriate order will issue.

7 Dated: September 16, 2005

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11 UNITED STATES BANKRUPTCY JUDGE
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Michelle Hubbard
769 E Cherrywood PL
Chandler, AZ 85249

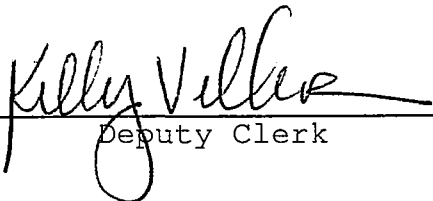
Law Offices of Peter Macaluso
910 Florin Road, Suite 111
Sacramento, CA 95831

American General Finance
5311 Elkhorn Blvd.
Sacramento, CA 95842

Frederick Lucksinger
P.O. Box 2460
Rocklin, CA 95677

Office of the United States Trustee
United States Courthouse
501 "I" Street, Suite 7-500
Sacramento, CA 95814

Dated: SEP 19 2005


Deputy Clerk